

SCOTTSDALE

# CITY COUNCIL MEETING

## AGENDA



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### COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Kevin J. Osterman

Tuesday, September 7, 2004

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**4:00 P.M.**

**MARKED AGENDA**

### CITY COUNCIL SPECIAL MEETING

**Call to Order** – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **4:03 P.M.**

**Roll Call** - **ALL PRESENT**

1. Brief update on the status of negotiations for a settlement of all outstanding litigation matters concerning right-of-way adjacent to the west edge and structures located on property at the southeast corner of the intersection of Pima and Happy Valley roads owned by Happy Peak, Inc.
2. MOTION TO RECESS INTO EXECUTIVE SESSION for: **OK – 7/0**

Legal advice and to consider the city's position and instruct its representatives and attorneys regarding negotiations and possible settlement of all outstanding litigation matters concerning acquisition of right-of-way along the west edge and structures on property located at the southeast corner of the intersection of Pima and Happy Valley roads. A.R.S. 38-431.03 (a)(3), (a)(4) and (a)(7). A.R.S. 38-431.03 (a)(3), (a)(4) and (a)(7). Contact(s): Joseph Bertoldo, City Attorney, 480-312-2478, [jbertoldo@scottsdaleaz.gov](mailto:jbertoldo@scottsdaleaz.gov); Donna Bronski, Deputy City Attorney, 480- 312-2624, [dbronski@scottsdaleaz.gov](mailto:dbronski@scottsdaleaz.gov)

**Adjourn Special Meeting** - **4:04 P.M.**

### CITY COUNCIL EXECUTIVE SESSION

Following 4:00 P.M. City Council Special Meeting

**Call to Order** - City Hall Kiva Conference Room

Executive Session for any of the purposes listed on the agenda for the City Council Special Meeting called for 4:00 P.M.

**Adjourn**

**5:00 P.M.**

**CITY COUNCIL MEETING**

**Call to Order** – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:03 P.M.**

**Roll Call** – **ALL PRESENT**

**Pledge of Allegiance** – **COUNCILWOMAN DRAKE**

**Invocation** – **PASTOR JACK SYLVESTER OF THE BROTHERHOOD OF MAN CONGREGATION**

**Moment of Silence**

Lou Witzman, founder of Rural Metro Fire Department, recently passed away.

**Presentations/Information Updates**

John Baracy, Scottsdale Unified School District – **SUPERINTENDENT JOHN BARACY**

**Public Comment** – **MIKE MERRILL – POINTED OUT CODE VIOLATIONS IN THE SOUTHERN PART OF THE CITY AND REQUESTED STRICTER ENFORCEMENT; MIKE ALOISI – ENCOURAGED MUNICIPALITIES TO PROTECT THEIR POLICE OFFICERS**

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "public comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

## **CONSENT AGENDA**      **ITEMS 1 - 10**

**How the Consent Agenda Works:** The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a comment card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

**1. Cobblestone 2 Go #7 Liquor License – OK - C**

**Request:** To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (Beer & Wine Store) liquor license for a convenience store currently operating with an interim permit.

**Location:** 3399 N. Scottsdale Road

**Reference:** 56-LL-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)

## 2. The Orange Table Liquor License – OK - C

**Request:** To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a newly licensed location.

**Location:** 7373 E. Scottsdale Mall

**Reference:** 57-LL-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)

## 3. D's Market Liquor License – OK - C

**Request:** To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer & wine store) liquor license for an existing convenience store.

**Location:** 3640 N. Miller Road

**Reference:** 58-LL-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)

## 4. Mr. C's Exquisite Chinese Dining Liquor License – OK – C (WITH ADDITIONAL GRAPHICS)

**Request:** To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for an extension of premises to expand the outdoor patio for dining on the east side of the property.

**Location:** 4302 N. Scottsdale Road

**Reference:** 30-EX-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)

## 5. Vista Collina Abandonment – OK - C

**Requests:** Consider the following:

1. Abandon 0.45 acres of the remnant ¼ cul-de-sac roadway of the former Coyote Road alignment.
2. Adopt Resolution No. 6546 vacating and abandoning a public right-of-way.

**Location:** 11635 N. 134th Street

**Reference:** 10-AB-2004

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Suzanne Colver, Senior Planner, 480-312-7087, [scolver@scottsdaleaz.gov](mailto:scolver@scottsdaleaz.gov)

## 6. William Allen Property Rezoning – OK - C

**Requests:**

1. Rezone from Single Family Residential (R1-35) to Single Family Residential (R1-10) on a 1 +/- acre parcel located at the 7300 block of E. Kalil Drive.
2. Adopt Ordinance No. 3587 affirming the rezoning.

**Location:** 7300 block of E. Kalil Drive

**Reference:** 13-ZN-2004

**Staff Contacts:** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Tim Curtis, Project Coordination Manager, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

**7. Architectural Design Services Contract for WestWorld Multi-Purpose Exhibit Hall Building – OK - C**

**Request:** Authorize Architectural Services Contract No. 2004-132-COS with gh2 Gralla Architects in the amount of \$1,965,000 for design and construction services required for the new WestWorld Multi-Purpose Exhibit Hall Building.

**Related Policies, References:**

- Development Review Board (Case #41-DR-2003) July 10, 2003 – WestWorld Design Guidelines
- City Council – WestWorld Master Development Plan, March 18, 2003
- Planning Commission (Case # 20-ZN-1995#2) January 28, 2003 – WestWorld Master Development Plan
- Development Review Board (Case #116-DR-93 #2, 3, and 4) May 1994 related to WestWorld entry signage, re-vegetation, and Western Theme Park

**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov); Corey E. Lew, Project Manager, (480) 312-7769, [clew@scottsdaleaz.gov](mailto:clew@scottsdaleaz.gov)

**8. Construction Contract Modification and CIP Contingency Fund Transfer to Construct WestWorld Improvements - WITHDRAWN**

**Requests:**

1. Authorize Construction Contract Modification No. 04PB070A to Bid Award No. 04PB070 (Scottsdale Road Improvements – Phase II) with Hunter Contracting in the amount of \$438,387.
2. Authorize a Capital Contingency Fund transfer in the amount of \$355,000 from Account No 400-Z9400 (Unallocated Capital Contingency) to CIP Account No. 400-D0303 (WestWorld Paving Projects).

**Related Policies, References:**

- Development Review Board (Case #41-DR-2003) July 10, 2003 – WestWorld Design Guidelines
- City Council – WestWorld Master Development Plan, March 18, 2003
- Planning Commission (Case # 20-ZN-1995#2) January 28, 2003 – WestWorld Master Development Plan

**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov); Dan Walsh, Project Manager, 480-312-5248, [dwalsh@ci.scottsdale.az.us](mailto:dwalsh@ci.scottsdale.az.us)

**9. Settlement of Stevens versus City of Scottsdale – OK - C**

**Request:** Consider approval of settlement of \$30,000 in lawsuit filed against the City, *Stevens v City of Scottsdale*, Cause No. CV 2002-092678, Maricopa County Superior Court.

**Staff Contact(s):** Joseph R. Bertoldo, City Attorney, 480-312-2405, [jbortoldo@scottsdaleaz.gov](mailto:jbortoldo@scottsdaleaz.gov); R. Scott Currey, Assistant City Attorney, 480-312-2405, [scurrey@scottsdaleaz.gov](mailto:scurrey@scottsdaleaz.gov); Myron Kuklok, Risk Management Director, 480-312-7841, [mkuklok@scottsdaleaz.gov](mailto:mkuklok@scottsdaleaz.gov)

**10. Ocean Systems Video Enhancement System Sole Source Purchase – OK - C**

**Request:** Authorize sole source purchase contract # 04SS071 with Ocean Systems to provide a computer-based video analysis and enhancement system.

**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-5000, [arodbell@scottsdaleaz.gov](mailto:arodbell@scottsdaleaz.gov); Lt. Steve Gesell, Special Investigations Section, 480-312-8219, [sgesell@scottsdaleaz.gov](mailto:sgesell@scottsdaleaz.gov)

**Regular Agenda begins on the following page**

Tuesday, September 7, 2004

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**How the Regular Agenda Works:** The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a comment card for each topic you wish to address and submit it to the City Clerk. **You will be given at least three minutes to speak per item. Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

**11. Fire Department Staffing, Communications (Dispatch) Provider, Funding and Automatic Aid – OK – 7/0 WITH CHANGES**

1. Adopt Ordinance No. 3588 to create a Municipal Fire Department in the City of Scottsdale and establish the position of Fire Chief for the Department.
2. Authorize the addition of 256 total full time equivalent Fire Department positions to the City's existing 2004/05 adopted operating budget to support the new municipal Fire Department planned staffing changes.
3. Authorize the transfer of \$560,000 from the General Fund Contingency (100-99501-52890) into the Fire Transition operating cost center (100-08020-511XX, salary and benefits as appropriate) to support the phased hiring and training of specified key personnel in FY 2004/05 based upon Attachment 2 to the Council Action Report. These personnel are required to provide adequate support for a successful transition of service from the current provider to the municipal model.
4. Adopt Resolution No. 6550 authorizing the City Manager to sign Intergovernmental Agreement #2004-138-COS for the Phoenix Fire Department Regional Dispatch System and Intergovernmental Agreement #2004-139-COS formally initiating the City's participation in the Central Arizona Life Safety Response System Council, including Automatic Aid.
5. Authorize Capital Improvement Project (CIP) contingency and transfers for the initial equipment needed for the regional dispatch system in the amount of \$1.2 million and authorize CIP contingency and transfers needed to improve identified radio system infrastructure deficiencies in the amount of \$1.2 million for total CIP contingency transfers of \$2.4 million.

**Staff Contact(s):** Willie McDonald, Fire Department Fire Chief, 480-312-1880, [wmcDonald@scottsdaleaz.gov](mailto:wmcDonald@scottsdaleaz.gov); Craig Clifford, Financial Services General Manager, 480-312-2364, [cclifford@scottsdaleaz.gov](mailto:cclifford@scottsdaleaz.gov); Neal Shearer, Human Resources General Manager, 480-312-2604, [nshearer@scottsdaleaz.gov](mailto:nshearer@scottsdaleaz.gov)

**Public Comment - NONE**

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**City Manager's Report - NONE**

**Mayor and Council Items - NONE**

**Adjournment – 6:26 P.M.**

Executive Sessions authorized by Arizona Revised Statutes 38-431.03 in the Kiva Conference Room, City Hall, at 4:00 P.M. Executive Sessions are posted at least twenty-four hours prior to such meetings.

Section 2.17 of the Scottsdale City Code states, "Regular Meetings that are scheduled to be conducted on consecutive days may be combined and held on either of the two (2) days, at the election of the council, and shall be considered a single meeting." The Council may hold over any items noticed on the Monday agenda to the agenda for the Tuesday meeting.